

S/N: 10/711,150
Reply to Office Action of December 19, 2005

Atty Dkt No. 81101894 (FMC 1772 PUS)

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 2. This sheet, which includes Fig. 2, replaces the original sheet including Fig. 2.

Attachment: Replacement Sheet

Remarks

Claims 1-20 are pending in the application. Claims 9-16 were withdrawn in response to a restriction requirement and claims 1-8 and 17-20 were rejected. Reconsideration of the claims is respectfully requested. No new matter has been added.

Objection to the Drawings

Figure 2 has been amended to correct a leader line for channel 180. Thus, this objection is believed to be cured.

Rejection Under 35 U.S.C. § 102

Claims 1, 3, 5 and 17-18 were rejected under § 102(b) as being anticipated by U.S. Patent No. 4,889,290 issued to Koffsky et al. (hereinafter "Koffsky '290"). Independent claims 1 and 17 are discussed separately below.

A *prima facie* case has not been established for the rejection of claim 1. Claim 1 recites a machining system having a machining envelope. The machining system includes "a housing defining at least a portion of the machining envelope, a hopper having a top surface defining an opening, and a seal disposed between the housing and the top surface." Koffsky '290 does not recite a seal that is disposed between a housing and a top surface of a hopper. Instead, Koffsky '290 discloses a sleeve 116 that "protrudes down as shown in Fig. 4" such that "sleeve 116 [is] drooped into receptacle bag 120 and causes a seal to occur between the uppermost portion of bag 120 and sleeve 116 (see column 5, lines 25-26 and 45-48). In other words, the sleeve 116 (called a seal by the Examiner) is not disposed between any component and a top surface of the cart 126 (called a hopper by the Examiner) since it is drooped *inside* the receptacle bag 120 and *within* cart 126. Please note that Figure 4 shows that the sleeve 116 does not extend over the top surface of the cart 126 since the ends of the sleeve 116 are "attached to upper and lower rings 112 and 114" (see column 5, lines 23-24). Furthermore, Koffsky '290 discloses that sealing occurs between the uppermost portion of bag 120 and sleeve 116, which is located *within* cart 126 (see Figure 4). This further illustrates the absence

of any seal between a housing and a top surface of a hopper in Koffsky '290. For these reasons, a *prima facie* case has not been established and Applicants request that this rejection be withdrawn. Since claims 3 and 5 depend on claim 1, Applicants believe that a *prima facie* case has not been established for the rejection of these claims for the same reasons.

A *prima facie* case has not been established for the rejection of claim 17. Claim 17 recites a machining system that includes a housing and a chip hopper. The housing has "an upper portion defining a machining envelope, a lower portion disposed proximate the upper portion, the lower portion having an access port, and a mating portion disposed proximate the upper and lower portions defining a first aperture, the mating portion having a bottom surface." The chip hopper is "adapted to be inserted through the access port into the lower portion" and includes "a top surface defining a second aperture and a seal disposed on the top surface." The seal is "adapted to engage the bottom surface of the mating portion to prevent particulates from exiting the housing." Koffsky '290 does not disclose a machining system as claimed. For instance, Koffsky '290 does not disclose a seal disposed on a top surface of a chip hopper or a seal that is adapted to engage a bottom surface of a mating portion of the housing. Instead, Koffsky '290 discloses a sleeve 116 that "protrudes down as shown in Fig. 4" such that "sleeve 116 [is] drooped into receptacle bag 120 and causes a seal to occur between the uppermost portion of bag 120 and sleeve 116 (see column 5, lines 25-26 and 45-48). In other words, the sleeve 116 (called a seal by the Examiner) is not disposed on a top surface of the cart 126 (called a hopper by the Examiner) since it is drooped *inside* the receptacle bag 120 and *within* cart 126. Moreover, the sleeve 116 is attached to an *inner* surface of a lower ring 114 of a diaphragm valve 110 and is therefore not adapted to engage a *bottom* surface of a mating portion of a housing as recited in claim 17. For these reasons, a *prima facie* case has not been established and Applicants request that this rejection be withdrawn. Since claim 18 depends on claim 17, Applicants believe that a *prima facie* case has not been established for the rejection of this claim for the same reasons.

Rejection Under 35 U.S.C. § 103

Claims 2, 6 and 19 were rejected under § 103(a) as being unpatentable over Koffsky '290 in view of U.S. Patent No. 6,112,504 issued to McGregor et al. (hereinafter "McGregor '504"). Claims 2 and 6 depend on claim 1. Claim 19 depends on claim 17. Consequently, Applicants believe that the rejection of these claims is overcome for the reasons previously discussed.

Claims 4 and 20 were rejected under § 103(a) as being unpatentable over Koffsky '290 in view of U.S. Patent Publication 2003/0131571 A1 to Demarco (hereinafter "Demarco '571"). Claims 4 and 20 depend on claims 1 and 17, respectively. Consequently, Applicants believe that the rejection of these claims is overcome for the reasons previously discussed.


Claims 7 and 8 were rejected under § 103(a) as being unpatentable over Koffsky '290 in view of McGregor '504 and further in view of Demarco '571. Claims 7 and 8 depend on claim 1. Consequently, Applicants believe that the rejection of these claims is overcome for the reasons previously discussed.

Conclusion

Applicants have made a genuine effort to respond to the Examiner's objections and rejections in advancing the prosecution of this case. Applicants believe all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

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